

**DEC 13 2005**

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U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JOLIE ANDRITZAKIS,

Plaintiff - Appellant,

v.

YAHOO! INC. LONG TERM  
DISABILITY INSURANCE PROGRAM,

Defendant - Appellee.

No. 04-16668

D.C. No. CV-03-02467-JF

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
Jeremy Fogel, District Judge, Presiding

Submitted December 5, 2005<sup>\*\*</sup>

Before: GOODWIN, TASHIMA, and FISHER, Circuit Judges.

Jolie Andritzakis appeals pro se the district court's summary judgment in favor of defendants in her 29 U.S.C. § 1132(a)(1)(B) action seeking long-term

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

disability benefits under an employee benefit plan. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review the district court's summary judgment de novo, *Jordan v. Northrop Grumman Corp. Welfare Benefit Plan*, 370 F.3d 869, 875 (9th Cir. 2004), and we affirm.

The district court properly concluded that the plan in question clearly and unambiguously conferred discretion on the administrator, and that Andritzakis failed to demonstrate that a conflicting interest caused a breach of the administrator's fiduciary duty to her. *See id.* at 875-76

The district court also properly concluded that the administrator did not abuse its discretion. Andritzakis' claim had been subjected to four levels of review. Three doctors reviewed her records, including an outside doctor who specialized in occupational and environmental medicine, and all concluded that Andritzakis could perform work with her alleged disabilities. To the extent the administrator rejected or ascribed less weight to certain physicians' opinions, it provided specific and legitimate reasons. *See id.* at 878.

Andritzakis' remaining contentions lack merit.

**AFFIRMED.**